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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 GILBERTO MENDOZA,

10 CASE NO: 2:23-cv-1962

11 Plaintiff,

12 **DEFENDANT'S NOTICE OF
REMOVAL**

13 v.

14 OLD DOMINION FREIGHT LINE, INC., a
Virginia Corporation and DOES I-X,

15 Defendants.

16
17 TO: DEBRA KEMPI, Clerk, United States District Court for the District of Nevada

18 PLEASE TAKE NOTICE that Defendant OLD DOMINION FREIGHT LINE, INC. hereby
19 removes to this Court the state court action entitled "GILBERTO MENDOZA, Plaintiff v. OLD
20 DOMINION FREIGHT LINE, INC. and DOES I-X," Case No. CV23-01331, filed in the Second
21 Judicial District Court for Washoe County, Nevada. A copy of the Complaint is attached hereto as
22 Exhibit A. The grounds for removal are:

23
24 1. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §
25 1332 and 28 U.S.C. §§ 1441(a)-(c), in that it is a civil action between Plaintiff, a citizen of Nevada,
26 and Defendant, a Virginia corporation, with its principal place of business in Thomasville, North
27

1 Carolina, and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, as set
2 forth below.

3 2. Based upon information and belief, Plaintiff GILBERTO MENDOZA is a citizen of the
4 State of Nevada. *See* Complaint ¶ 1.

5 3. Defendant OLD DOMINION FREIGHT LINE, INC. is a corporation incorporated in the
6 State of Virginia, with its principal place of business in Thomasville, North Carolina.
7

8 4. The Defendants sued as DOES I-X are fictitious parties and not relevant to the
9 determination of subject matter jurisdiction. *See* 28 U.S.C. § 1441(a) (stating “For purposes of
10 removal under this chapter, the citizenship of defendants sued under fictitious names shall be
11 disregarded”).
12

13 5. Based upon information and belief, the amount in controversy, exclusive of interest and
14 costs, exceeds \$75,000.00. Plaintiff alleges to have sustained physical injuries and “pain and
15 suffering, disfigurement, disability and a loss of enjoyment of life.” *See* Complaint ¶ 10. Plaintiff also
16 alleges that he “has and will lose income in the past and may lose income in the future.” *See*
17 Complaint at ¶ 12. Upon information and belief, Plaintiff is claiming medical expenses of \$27,674.12
18 and lost wages of \$65,213.32, for total alleged damages of \$92,887.44.
19

20 6. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a)-(b) and
21 Local Rule 8-1. This action was originally filed in the Second Judicial District for the State of Nevada,
22 Washoe County.
23

24 7. This notice of removal is timely filed within thirty (30) days after receipt of the paper that
25 makes this case removable as required by 28 U.S.C. § 1446(b), in that it is filed within thirty (30)
26 days after Defendant was served with the Summons and Complaint, on or about November 2, 2023.
27
28 . . .

8. Pursuant to 28 U.S.C. 1446(d), Defendant has prepared and will file with the Clerk of the Second Judicial District Court a Notice of Removed Action.

DATED this 27th day of November 2023.

MESSNER REEVES LLP

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1 **CERTIFICATE OF ELECTRONIC SERVICE**
2

3 I certify that on the 27th day of November 2023, service of the above and foregoing **DEFENDANT'S**
4 **NOTICE OF REMOVAL** was made by electronically filing a true and correct copy of the same to
each party addressed as follows:

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